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May 14, 2020

VIA ECF

Hon. Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007

MEMO ENDORSED

Re: *True Spec Golf LLC, et al., v. Club Champion LLC*, No. 19-cv-633-KPF

Dear Judge Failla:

We represent Defendant Club Champion LLC (“Club Champion”) in the above-referenced action. Pursuant to Your Honor’s Individual Rule of Practice No. 9(B) (Revised: January 9, 2020), Club Champion submits this letter motion seeking leave to file certain documents under seal.

Club Champion filed today via ECF a redacted copy of its Response to True Spec Golf LLC and Club-Conex LLC’s (together, “Plaintiffs”) request for an Order preventing Club Champion from using discovery from this litigation in the related *inter partes* review (“IPR”) proceeding (“Club Champion’s Response”), including exhibits.

Club Champion’s Response contains information that Plaintiffs have designated as “CONFIDENTIAL - ATTORNEYS’ EYES ONLY” or “HIGHLY CONFIDENTIAL - ATTORNEYS’ EYES ONLY,” including information from an exhibit to the deposition of Mr. Hoyt McGarity, which Plaintiffs designated as “HIGHLY CONFIDENTIAL - ATTORNEYS’ EYES ONLY,” quotes from the transcript of the deposition of Mr. Hoyt McGarity, which Plaintiffs designated as “CONFIDENTIAL - ATTORNEYS’ EYES ONLY” and quotes from the declaration of Mr. John G. Plumpe, which Plaintiffs designated as “HIGHLY CONFIDENTIAL - ATTORNEYS’ EYES ONLY.”

Pursuant to Your Honor’s Individual Rules of Practice 9(B)-(C):

- A redacted version of Club Champion’s Response was publicly filed on ECF as well as an unreacted version under seal with the proposed redactions highlighted.

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- Exhibits 6, 8-9 to Club Champion's Response were filed on ECF with a single page marked "SEALED" in place of the exhibit.

Pursuant to Your Honor's Individual Rule of Practice 9(B)(ii), Club Champion will email to Chambers (1) a clean copy of each document it seeks leave to file redacted or fully sealed and (2) a copy of Club Champion's Response highlighting the information that has been redacted in the ECF filing.

For the foregoing reasons, Club Champion requests that this Court grant its motion to file under seal.

Sincerely,

/s/ Gianni Cutri

Gianni Cutri, P.C.

Application GRANTED. The letter response and exhibits filed at Dkt. #103 and Dkt. #105 shall remain under seal with viewing privileges granted only to the parties and to Court personnel.

Dated: May 14, 2020
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE